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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,381	10/16/2000	Hiroshi Omura	KP-8931	6863

466 7590 07/07/2005

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,381

Applicant(s)

OMURA ET AL.

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 21 is/are allowed.
- 6) ☒ Claim(s) 11 and 22 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. The Examiner acknowledges the Applicant's effort in making claims 1-12, 21 and 22 allowable and canceling other claims. However, after further consideration, it is the Examiner's position that these claims 11 and 22 are not allowable, and this will be discussed in detail by the following rejections to the claims. The Examiner apologizes for any inconvenience this may cause the Applicant.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Silverbrook (US Patent # 5,805,178).

[Claim 11]

A printing method for recording a latent image in an exposure area of a predetermined size on an instant film that includes a processing fluid, by projecting printing light from an exposure device onto the instant film based on image data, and developing the latent image into a positive image by spreading the processing fluid over the exposed instant film through a pair of spread rollers (Page 1 lines 20-23, Page 2 lines 2-10).

Admitted prior art fails to teach an illumination range of the printing light on the instant film by the exposure device is determined to be larger than the exposure area, so the entire

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exposure area may be exposed even where the instant film deviates from a predetermined position relative to the exposure device.

However Silverbrook teaches a printing apparatus and method that are used in a wide range of applications including portable printers incorporated into digital instant cameras (col. 24 lines 46-59). Silverbrook further teaches a printing method of a digital electronic printing system using a print head 50 printing an image 60 onto a recording medium 51 (col. 32 lines 21-26, figure 6). Silverbrook teaches that the print head 50 is the full width of the recording medium 51 (col. 33 lines 10-15) so that it is only necessary to move the recording medium 51. If an instant film is used which has an exposure area of a predetermined size as taught by Admitted prior art, the print head 50 will be full width of the instant film. Therefore illumination range of the printing light on the instant film by the exposure device will be determined to be larger than the exposure area on an instant film.

Therefore taking the combined teachings of Applicant's admitted prior art and Silverbrook, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used the printing head of the same width as the recording medium into an instant camera having an instant film having an exposure area of predetermined size so that the entire exposure area may be exposed even where the instant film deviates from a predetermined position relative to the exposure device in order to have the recording medium that moves and not the printing head that simplifies the overall process.

[Claim 22]

Silverbrook clearly teaches in figure 6 an image 60 (read as an exposure area) smaller than the overall dimensions of the recording medium 51.

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Allowable Subject Matter

4. Claims 1-10, 21 are allowed.

See the previous office action for reasons of allowance.

5. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for indicating allowable subject matter:

6. As for claim 12, the prior art of record does not teach or fairly suggest the size of the illumination range relative to the exposure area is determined in accordance with clearances provided between the case and the instant film.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

June 28, 2005



DAVID L. OMETZ
PRIMARY EXAMINER